

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NWDC RESISTANCE and COALITION OF
ANTI-RACIST WHITES,

Plaintiffs,

v.

IMMIGRATION & CUSTOMS
ENFORCEMENT, *et al.*,

Defendants.

No. 3:18-cv-05860-JLR

**DEFENDANTS' NOTICE OF
WITHDRAWAL OF MOTIONS IN
LIMINE, DKT. 181,
AND RESPONSE TO MOTION TO
SEAL DOCUMENTS, DKT. 185**

I. Defendants Withdraw Their Motions in Limine, Dkt. 181

Defendants file this notice to withdraw their motions in limine, Dkt. 181. *See* LCR 7(l).¹ Following this Court's order granting Defendants' summary judgment and vacating "the trial date and all remaining pretrial deadlines," Dkt. 191, Defendants understand that their motions in limine are now rendered moot in any event and no ruling is anticipated.

However, in an abundance of caution, to conserve judicial and party resources, and to make clear that there is no live issue with respect to the motions in limine, Defendants are filing

¹ Pursuant to the Local Rules, Defendants will also call chambers to notify the Court that the motions in limine have been withdrawn. *See* LCR 7(l).

1 this notice under LCR 7(l).² Because the motions in limine are withdrawn, there should be no
 2 need for the Court to consider Plaintiffs' opposition and associated motion to seal, Dkt. 185.³
 3 Instead, the Court may strike Defendants' motions in limine along with Plaintiffs' response and
 4 the declarations and motion to seal associated with the withdrawn motion, Dkts. 181-183, 185-
 5 189. *See* LCR 7(g) (filings may be stricken). As these filings may be stricken, Defendants
 6 understand that the Court would not need to consider the motion to seal, Dkt. 185, and no response
 7 would be needed.

8 Defendants' counsel contacted Plaintiffs' counsel to try to reach agreement on this issue.
 9 Defendants understand that Plaintiffs agree that this Court need not consider any motions in
 10 limine, and that Defendants' may withdraw their motions in limine, but that Plaintiffs believe that
 11 withdrawing the motions in limine does not moot the associated motion to seal the exhibits filed
 12 with Plaintiffs' opposition. But because there is no need for this Court to consider the withdrawn
 13 motions in limine, there is no need for this Court to consider Plaintiffs' opposition and associated
 14 filings. This Court should strike them or issue an order declaring them moot, and Defendants
 15 request that the exhibits at issue be withdrawn from the record. *See* LCR 5(g)(6) (indicating that
 16 "the court [may] withdraw the document from the record rather than unseal it").

17 **II. Alternatively, if Consideration of the Motion to Seal is Necessary, the Parties have**
 18 **Agreed to Redact Certain Federal Employee and Non-Party Information**

19 Alternatively, in the event that this Court determines that it should consider the motion to
 20 seal, the parties have reached an agreement to *redact* (rather than seek to seal) certain information.
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23 ² Though it is not anticipated, if a trial ever were to become necessary in this case, Defendants respectfully reserve
 24 the right to reurge their motions in limine then.

³ This response is limited to Plaintiffs' second motion to seal, concerning Exhibit F to the Declaration of Ambika
 Kumar, Dkt. 189.

1 *See* LCR 5(g) (parties should consider a less-restrictive alternative to sealing).⁴ Defendants’
 2 reasons for requesting protection of information are those set forth in the Declaration of Robert
 3 Guadian. Dkt. 179 ¶¶ 1-33. If this Court determines that it should consider Plaintiffs’ opposition
 4 to the motions in limine and associated motion to seal, Dkt. 185, Defendants agree that Plaintiffs
 5 may file Exhibit F of the Kumar Declaration with the agreed redactions.⁵

6 **III. Conclusion**

7 For the foregoing reasons, Defendants provide this Court with notice that they are
 8 withdrawing their motions in limine and respectfully request that this Court strike as moot
 9 Defendants’ motions in limine along with Plaintiffs’ response and the declarations and motion to
 10 seal associated with the withdrawn motion, Dkts. 181-183, 185-189. Accordingly, as no ruling is
 11 needed, Defendants request that the exhibits at issue be withdrawn from the record. *See* LCR
 12 5(g)(6).

13 Alternatively, if this Court considers the motion to seal, Dkt. 185, the parties have reached
 14 an agreement to redact information as set forth above, and Defendants agree that Plaintiffs may
 15 file the documents at issue with the agreed redactions.

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 23 ⁴ To the extent that the Court does not believe that the motions in limine are moot, or intends to rely on any
 declaration or document filed with them in connection with the Court’s forthcoming summary judgment ruling,
 Defendants would also agree that Plaintiffs may file the documents at issue with the agreed redactions.

24 ⁵ Rather than file more documents on the docket, Defendants will provide the agreed redactions at this Court’s
 request.

1 DATED this 16th day of January, 2024.

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9 *Attorneys for Defendants*

10 I certify that this memorandum contains 815 words,
11 in compliance with the Local Rules.